

**N THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**KANA FARRELL, ORIANA LEE FARRELL
as an individual and O.B.O. her minor children:
HEZEKIAH FARRELL II, KUSH FARRELL,
MAGNIFICENT FARRELL, GIBRALTER FARRELL,**

Plaintiffs,

vs.

No. 1:15-CV-1113 SMV/LAM

**OFFICER TONY DETAVIS, ANTHONY LUNA,
And FORMER OFFICER (now DEPUTY) ELIAS
MONTOKA, in their official and individual capacities,
and NEW MEXICO STATE POLICE DEPARTMENT, and
John Does 1, 2 and 3,**


Defendants.

STIPULATED ORDER OF DISMISSAL

THIS MATTER came before the Court on the motion to dismiss all claims made against Officer Tony DeTavis and Anthony Luna in their “official” capacity filed by Defendants Tony DeTavis and Anthony Luna on December 17, 2015 (Doc. 11), Plaintiffs filed a Notice regarding Plaintiffs’ Concurrence on Motion to Dismiss Claims made Against Tony DeTavis and Anthony Luna in their “Official” Capacities on January 7, 2016 (Doc. 18). The Court finds that the Motion is well taken.

IT IS THEREFORE ORDERED, that

1. The Motion to Dismiss all Claims made Against Officer Tony DeTavis and Anthony Luna in their “Official” Capacities is hereby granted;
2. All claims made against Defendants Tony DeTavis and Anthony Luna in their “official” capacities are hereby dismissed with prejudice; and
3. The caption of this case be amended to delete the reference to official capacity claims.



HONORABLE STEPHEN M. VIDMAR
United States Magistrate Judge

SUBMITTED BY:

WIGGINS, WILLIAMS & WIGGINS
A Professional Corporation

By /s/ Patricia G. Williams
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